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8 **BEFORE THE**  
**RESPIRATORY CARE BOARD**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1H 2006 479

12 DEBORAH A. JONES  
343 W. Arbutus Street  
Compton, California 90220

**A C C U S A T I O N**

13 Respiratory Care Practitioner License No. 7067

14 Respondent.  
15

16 Complainant alleges:  
17

18 PARTIES

19 1. Stephanie Nunez (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Respiratory Care Board of California,  
21 Department of Consumer Affairs (Board).

22 2. On or about July 19, 1985, the Board issued Respiratory Care Practitioner  
23 License Number 7067 to Deborah A. Jones (Respondent). The Respiratory Care Practitioner  
24 License expired on August 31, 2006.

25 JURISDICTION

26 3. This Accusation is brought before the Board under the authority of the  
27 following laws. All section references are to the Business and Professions Code (Code), unless  
28 otherwise indicated.

1                   4.       Section 3710 of the Code states: “The Respiratory Care Board of  
2 California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter  
3 8.3, the Respiratory Care Practice Act].”

4                   5.       Section 3718 of the Code states: “The board shall issue, deny, suspend,  
5 and revoke licenses to practice respiratory care as provided in this chapter.”

6                   6.       Section 3750.5 of the Code states:

7                   "In addition to any other grounds specified in this chapter, the board may deny,  
8 suspend, or revoke the license of any applicant or license holder who has done any of the  
9 following:

10                  "(a) Obtained or possessed in violation of law, or except as directed by a licensed  
11 physician and surgeon, dentist, or podiatrist administered to himself or herself, or  
12 furnished or administered to another, any controlled substances as defined in Division 10  
13 (commencing with Section 11000) of the Health and Safety Code.

14                  “(d) Been convicted of a criminal offense involving the consumption or self-  
15 administration of any of the substances described in subdivisions (a) and (b), or the  
16 possession of, or falsification of a record pertaining to, the substances described in  
17 subdivision (a), in which event the record of the conviction is conclusive evidence  
18 thereof.”

19                  ". . . .”

20                  7.       Section 3752 of the Code states:

21                  “A plea or verdict of guilty or a conviction following a plea of nolo contendere  
22 made to a charge of any offense which substantially relates to the qualifications,  
23 functions, or duties of a respiratory care practitioner is deemed to be a conviction within  
24 the meaning of this article. The board shall order the license suspended or revoked, or  
25 may decline to issue a license, when the time for appeal has elapsed, or the judgment of  
26 conviction has been affirmed on appeal or when an order granting probation is made  
27 suspending the imposition of sentence, irrespective of a subsequent order under Section  
28 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to

1 enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the  
2 accusation, information, or indictment.”

3 8. Section 118(b) provides in pertinent part that the suspension, expiration or  
4 forfeiture by operation of law issued by the board shall not deprive the board of its  
5 authority to institute or continue a disciplinary proceeding against a licensee upon any  
6 ground provided by law or otherwise taking disciplinary action against the licensee on  
7 any such ground.

8 9. Section 492 of the Code states:

9 “Notwithstanding any other provision of law, successful completion of any  
10 diversion program under the Penal Code, or successful completion of an alcohol and drug  
11 problem assessment program under Article 5 (commencing with section 23249.50) of  
12 Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established  
13 under Division 2 ([Healing Arts] commencing with Section 500) of this code, or any  
14 initiative act referred to in that division, from taking disciplinary action against a licensee  
15 or from denying a license for professional misconduct, notwithstanding that evidence of  
16 that misconduct may be recorded in a record pertaining to an arrest.”

### 17 COST RECOVERY

18 10. Section 3753.5, subdivision (a) of the Code states:

19 "In any order issued in resolution of a disciplinary proceeding before the board,  
20 the board or the administrative law judge may direct any practitioner or applicant found to  
21 have committed a violation or violations of law to pay to the board a sum not to exceed  
22 the costs of the investigation and prosecution of the case."

23 11. Section 3753.7 of the Code states:

24 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall  
25 include attorney general or other prosecuting attorney fees, expert witness fees, and other  
26 administrative, filing, and service fees."

27 12. Section 3753.1, subdivision (a) of the Code states:

28 "An administrative disciplinary decision imposing terms of probation may

1 include, among other things, a requirement that the licensee-probationer pay the monetary  
2 costs associated with monitoring the probation."

3 CONTROLLED SUBSTANCE

4 13. Cocaine is a Schedule II controlled substance pursuant to Health and  
5 Safety Code section 11055.

6 CAUSES FOR DISCIPLINE

7 I

8 (Conviction of a Crime)

9 14. Respondent is subject to disciplinary action under sections 3750.5,  
10 subdivision (d), and 3752 of the Code, and in that she was convicted of a crime, possession of a  
11 controlled substance. The circumstances are as follows:

12 A. On or about August 7, 2006, deputies from the Los Angeles County  
13 Sheriffs Department observed a white BMW with no license plates parked in an alley.  
14 The officers approached the car and spoke to the driver, who was Respondent. When  
15 speaking with her, they noticed a glass pipe between the two front seats, and knew the  
16 pipe could be used to ingest cocaine. They recovered the pipe and arrested Respondent.  
17 When the officers did a search of Respondent, they recovered a small rocklike substance  
18 resembling cocaine. A second glass pipe was found on the floor of the car. Respondent  
19 was arrested for unlawful possession of a controlled substance.

20 B. On or about August 9, 2006, in Los Angeles County Superior Court  
21 Complaint No. TA086000, Respondent was charged with possession of the controlled  
22 substance cocaine, in violation of Health and Safety Code section 11350, subdivision (a),  
23 a felony.

24 C. On or about August 9, 2006, Respondent was convicted of possession of  
25 cocaine, pursuant to a plea of guilty. Proceedings were suspended. The court deferred  
26 entry of judgment, and respondent was placed on diversion for 18 months pursuant to  
27 Penal Code section 1000.2. She was ordered to pay some fines, complete a diversion  
28 drug program and comply with the standard diversion terms and conditions. On July 2,

2007, deferred entry of judgment was terminated and respondent was placed on summary probation for 3 years, with a 15-day county jail term.

## II

### (Possession of a Controlled Substance)

15. Respondent is subject to disciplinary action under section 3750.5, subdivision (a), of the Code in that she possessed the controlled substance cocaine. The circumstances are as follows:

A. The facts and allegations set forth in paragraph 14 are incorporated by reference as if fully set forth.

### PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Respiratory Care Board issue a decision:

1. Revoking or suspending Respiratory Care Practitioner License Number 7067 issued to Deborah A. Jones;
2. Ordering Deborah A. Jones to pay the Respiratory Care Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and
3. Taking such other and further action as deemed necessary and proper.

DATED: August 3, 2009

Original signed by Liane Freels for:  
STEPHANIE NUNEZ  
Executive Officer  
Respiratory Care Board of California  
Department of Consumer Affairs  
State of California  
Complainant